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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/531,102

Applicant(s)

GIANNINI ET AL.

Examiner

Steven R. Wasylchak

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. The original rejections for claims 1-12 remain. New art is introduced for claims 1-16.
2. Exr. assumes, by correcting typos in the Office Action Response and Amendment, pages 3 and 4, that claim 14 depends on claim 13; claim 15 depends on claim 8; and claim 16 depends on claim 15.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Amended claims 1, 2, 3, 7, 8, 9, 10, 11 and new claims 13-16 and original claims 4, 5, 6, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffberg et al. (US 5,875,108).

As per claim 1,

(Amended) A system for on-line viewing of an article on another structure, comprising:

-on-line viewer site; and a computer-driven web-linking engine configured and arranged to create an item from image-data corresponding to a colored article selected by an on-line viewer from the on-line viewer site for display with an image of a colored structure selected by the on-line viewer, the computer-driven web-linking engine adapted to compare color codes identifying respective colors of the colored article and colored item and, in response, to indicate whether the colored article and the colored structure satisfy a color-matching criterion. / col 1, L 64 to col 2, L 25; col 27, L 49-54; col 28, L 53-58, L 65 to col 29, L 5; col 31, L 25-30; col 35, L 61-63; col 37, L 46-52; col 38, L 12-28; col 41, L 3-8; col 42, L 40-48; col 45, L 43-56; col 46, L 43-63; col 56, L 26-31; col 61, L 54-56; col 66, L 44-49 (color represents a signal in the form of light or its absence at a certain wavelength ( $\lambda$ ) where  $\lambda$  is converted to frequency by  $c$  (speed of light) = frequency  $\times$   $\lambda$ ); col 67, L 2-7, L 29-31; col 74, L 19-23; col 86, L 13-31; col 89, L 44-47; col 99, L 12-22; col 100, L 1-7; col 101, L 57 to col 102, L 24; col 103, L 54 to col 104, L 4; col 107, L 35-45

As per claim 2,

(Amended) The system of claim 1, wherein the computer-driven web-linking engine compares by using a data set that includes a

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frequency-based color identification code provided for the color of the article and a frequency-based color identification code provided for the color of the structure. / col 10, L 63-67 to col 11, L 4 (harmonics, of course, are multiples of frequencies); col 39, L 16-47; col 42, L 48-65; col 45, L 43-60 where obviously the Fourier transform and its inverse encompass the frequency parameter); col 46, L 66 to col 47, L 37 (notably "frequency domain preprocessing" in line 13 and "identifiers" in line 31); col 56, L 26-31; col 61, L 46-56; col 67, L 20-24; col 74, L 19-23; col 81, L 22-25; col 86, L 11-21 (notably the Fourier transform); col 88, L 14-18; col 89, L 39-50; col 93, L 33-52; col 99, L 12-22; col 100, L 65-66; col 101, L 57 to col 102, L 24, L 64-67; col 103, L 29-45; col 103, L 57 to col 104, L 4; col 105, L 30-41; col 107, L 34-45

As per claim 3,

The system of claim 2, wherein the data set further includes an article size code. / col 70, L 41-50; fig 27(identifier as a code); fig 30

As per claim 4,

The system of claim 3, wherein the data set further includes an article style code. / col 34, L 66 to col 35, L 17; col 50, L 53-62 (style is a preference); col 63, L 15-19; col 96, L 62-67

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As per claim 5,

The system of claim 1, further including a computer arrangement generating the image data corresponding to the colored article with the color identification code provided for the color of the article. / col 10, L 63-67 to col 11, L 4 (harmonics, of course, are multiples of frequencies); col 39, L 16-47; col 42, L 48-65; col 45, L 43-60 where obviously the Fourier transform and its inverse encompass the frequency parameter); col 46, L 66 to col 47, L 37 (notably "frequency domain preprocessing" in line 13 and "identifiers" in line 31); col 56, L 26-31; col 61, L 46-56; col 67, L 20-24; col 74, L 19-23; col 81, L 22-25; col 86, L 11-21 (notably the Fourier transform); col 88, L 14-18; col 89, L 39-50; col 93, L 33-52; col 99, L 12-22; col 100, L 65-66; col 101, L 57 to col 102, L 24, L 64-67; col 103, L 29-45; col 103, L 57 to col 104, L 4; col 105, L 30-41; col 107, L 34-45

As per claim 6,

A system for n -line viewing of an article on another structure, comprising:  
-means for viewing images at a video display site; and  
web-linking means for creating an item from image-data corresponding to a colored article selected by an on-line viewer from the on-line viewer site  
with an image of a colored structure selected by the on-line viewer, the

computer-driven web-linking engine adapted to indicate whether the colored article and the colored structure satisfy a color-matching criterion. / col 1, L 64 to col 2, L 25; col 27, L 49-54; col 28, L 53-58, L 65 to col 29, L 5; col 31, L 25-30; col 35, L 61-63; col 37, L 46-52; col 38, L 12-28; col 41, L 3-8; col 42, L 40-48; col 45, L 43-56; col 46, L 43-63; col 56, L 26-31; col 61, L 54-56; col 66, L 44-49 (color represents a signal in the form of light or its absence at a certain wavelength ( $\lambda$ ) where  $\lambda$  is converted to frequency by  $c$  (speed of light) = frequency  $\times$   $\lambda$ ); col 67, L 2-7, L 29-31; col 74, L 19-23; col 86, L 13-31; col 89, L 44-47; col 99, L 12-22; col 100, L 1-7; col 101, L 57 to col 102, L 24; col 103, L 54 to col 104, L 4; col 107, L 35-45

As per claim 7,

(Amended) A method for on-line viewing of an article on another structure, comprising: viewing images at a video display site; and creating an item from image-data corresponding to a colored article selected by an on-line viewer from the on-line viewer site for display with an image of a colored structure selected by the on-line viewer, comparing color codes identifying respective colors of the colored article and colored item, and in response, indicating whether the colored article and the colored structure satisfy a

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color-matching criterion. / col 1, L 64 to col 2, L 25; col 27, L 49-54; col 28, L 53-58, L 65 to col 29, L 5; col 31, L 25-30; col 35, L 61-63; col 37, L 46-52; col 38, L 12-28; col 41, L 3-8; col 42, L 40-48; col 45, L 43-56; col 46, L 43-63; col 56, L 26-31; col 61, L 54-56; col 66, L 44-49 (color represents a signal in the form of light or its absence at a certain wavelength ( $\lambda$ ) where  $\lambda$  is converted to frequency by  $c$  (speed of light) = frequency  $\times$   $\lambda$ ); col 67, L 2-7, L 29-31; col 74, L 19-23; col 86, L 13-31; col 89, L 44-47; col 99, L 12-22; col 100, L 1-7; col 101, L 57 to col 102, L 24; col 103, L 54 to col 104, L 4; col 107, L 35-45

As per claim 8,

(Amended) A method for on-line viewing of an article on an other structure, comprising: creating an item from image-data corresponding to a colored article selected by an on-line viewer from an on-line viewer site for display with an image of a colored structure selected by an on-line viewer, comparing color codes identifying respective colors of the colored article and colored item, and in response, indicating whether the colored article and the colored structure satisfy a color-matching criterion. / col 1, L 64 to col 2, L 25; col 27, L 49-54; col 28, L 53-58, L 65 to col 29, L 5; col 31, L 25-30; col 35, L 61-63; col 37, L 46-52; col 38, L 12-28; col 41, L 3-8; col



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42, L 40-48; col 45, L 43-56; col 46, L 43-63; col 56, L 26-31; col 61, L 54-56; col 66, L 44-49 (color represents a signal in the form of light or its absence at a certain wavelength ( $\lambda$ ) where  $\lambda$  is converted to frequency by  $c$  (speed of light) = frequency  $\times$   $\lambda$ ); col 67, L 2-7, L 29-31; col 74, L 19-23; col 86, L 13-31; col 89, L 44-47; col 99, L 12-22; col 100, L 1-7; col 101, L 57 to col 102, L 24; col 103, L 54 to col 104, L 4; col 107, L 35-45

As per claim 9,

(Amended) The method of claim 8, further including creating the item using a data set that includes a frequency-based color identification code provided for the color of the article and a frequency-based color identification code provided for the color of the structure. / col 10, L 63-67 to col 11, L 4 (harmonics, of course, are multiples of frequencies); col 39, L 16-47; col 42, L 48-65; col 45, L 43-60 where obviously the Fourier transform and its inverse encompass the frequency parameter); col 46, L 66 to col 47, L 37 (notably "frequency domain preprocessing" in line 13 and "identifiers" in line 31); col 56, L 26-31; col 61, L 46-56; col 67, L 20-24; col 74, L 19-23; col 81, L 22-25; col 86, L 11-21 (notably the Fourier transform); col 88, L 14-18; col 89, L 39-50; col 93, L 33-52; col 99, L 12-

22; col 100, L 65-66; col 101, L 57 to col 102, L 24, L 64-67; col 103, L 29-45; col 103, L 57 to col 104, L 4; col 105, L 30-41; col 107, L 34-45

As per claim 10,

The method of claim 9, wherein the data set further includes an article size code. / col 70, L 41-50; fig 27(identifier as a code); fig 30

As per claim 11,

The system of claim 9, wherein the data set further includes an article style code. / col 34, L 66 to col 35, L 17; col 50, L 53-62 (style is a preference); col 63, L 15-19; col 96, L 62-67

As per claim 12,

The method of claim 8, further including generating the image-data corresponding to the colored article with the color identification code provided for the color of the article. / col 10, L 63-67 to col 11, L 4 (harmonics, of course, are multiples of frequencies); col 39, L 16-47; col 42, L 48-65; col 45, L 43-60 where obviously the Fourier transform and its inverse encompass the frequency parameter); col 46, L 66 to col 47, L 37 (notably "frequency domain preprocessing" in line 13 and "identifiers" in line 31); col 56, L 26-31; col 61, L 46-56; col 67, L 20-24; col 74, L 19-23; col 81, L 22-25; col 86, L 11-21 (notably the Fourier transform); col 88, L

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14-18; col 89, L 39-50; col 93, L 33-52; col 99, L 12-22; col 100, L 65-66;  
col 101, L 57 to col 102, L 24, L 64-67; col 103, L 29-45; col 103, L 57 to  
col 104, L 4; col 105, L 30-41; col 107, L 34-45

As per claim 13,

(New) The system of claim 1, wherein the color-matching criterion includes  
a color reference coding chart. / col 12, L 23-43; col 35, L 50 to col 36, L  
10; col 46, L 43-65; col 46, L 66 to col 47, L 37; col 50, L 53-65; col 56, L  
26-35; col 60, L 17-22; col 68, L 48-63; col 86, L 11-28; col 93, L 21-40; col  
100, L 3-8, L 65 to col 101, L 4; col 101, L 57 to col 102, L 24; col 103, L  
14-45; col 107, L 34-45

As per claim 14,

(New) The system of claim 14, wherein the color-reference coding chart is  
based on measured color frequencies. / col 10, L 63-67 to col 11, L 4  
(harmonics, of course, are multiples of frequencies); col 12, L 23-43; col 39,  
L 16-47; col 42, L 48-65; col 45, L 43-60 where obviously the Fourier  
transform and its inverse encompass the frequency parameter); col 46, L  
66 to col 47, L 37 (notably "frequency domain preprocessing" in line 13 and  
"identifiers" in line 31); col 56, L 26-31; col 61, L 46-56; col 67, L 20-24; col  
74, L 19-23; col 81, L 22-25; col 86, L 11-21 (notably the Fourier

transform); col 88, L 14-18; col 89, L 39-50; col 93, L 33-52; col 99, L 12-22; col 100, L 65-66; col 101, L 57 to col 102, L 24, L 64-67; col 103, L 29-45; col 103, L 57 to col 104, L 4; col 105, L 30-41; col 107, L 34-45

As per claim 15,

(New) The system of claim 15, wherein respective colors of the colored article and the colored structure are represented by an electronic color tag that indicates a measurement of the respective colors using the color-reference chart. / col 8, L 1-5; col 12, L 23-43; col 61, L 19-27; col 63, L 64 to col 64, L 7; col 94, L 17-27; col 97, L 33-39; col 101, L 57 to col 102, L 18; col 107, L 34-45

As per claim 16,

(New) The system of claim 16, wherein the electronic tags are part of product codes that identify the respective article and structure. / col 8, L 1-5; col 12, L 23-43; col 61, L 19-27; col 63, L 64 to col 64, L 7; col 94, L 17-27; col 97, L 33-39; col 101, L 57 to col 102, L 18; col 106, L 3-12; col 106, L 29-40; col 106, L 41-50; col 107, L 2-4 (temporal by means of the Fourier transform), L 34-45

This action is **NON-FINAL**. Please note two additional references were added. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 2164 is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steven Wasylchak



12 /15 /01



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